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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 10, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TEODORO DELGADO SUAREZ,

Plaintiff,

v.

OFFICER DOMINIC DANNAN,

OFFICER NATHANIEL MURILLO,

LES HENDERSON, BRAD

ALTHAUSER, COLBEY MOLNER,

RYAN YATES AND MEDICAL

STAFF,

Defendants.

No. 1:23-CV-03147-SAB

**ORDER DENYING MOTION FOR
RECONSIDERATION**

By Order filed September 26, 2024, the Court dismissed this action for failure to state a claim upon which relief may be granted and judgment was entered. ECF Nos. 23 and 24. On November 7, 2024, the Court received Plaintiff's letter dated October 30, 2024, in which he asks this Court to reconsider the Order dismissing his action. ECF No. 25. It was liberally construed as a Motion for Reconsideration. *Id.*

1 Plaintiff, a former prisoner, is proceeding *pro se* and *in forma pauperis*. ECF
2 No. 5. Defendants have not been served. The construed Motion for
3 Reconsideration was considered without oral argument on the date signed below
4 and is denied.

5 A motion for reconsideration may be reviewed under either Federal Rule of
6 Civil Procedure 59(e) (motion to alter or amend a judgment) or Rule 60(b) (relief
7 from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d
8 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider its decision if
9 it ‘(1) is presented with newly discovered evidence, (2) committed clear error or
10 the initial decision was manifestly unjust, or (3) if there is an intervening change in
11 controlling law.’” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir.
12 2013) (*quoting School Dist. No. 1J, Multnomah Cnty., Or.*, 5 F.3d at 1263).
13 “There may also be other, highly unusual, circumstances warranting
14 reconsideration.” *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

15 Plaintiff indicates a desire to “express” himself in terms of his First
16 Amendment right to freedom of speech. ECF No. 25 at 1. He accuses the courts of
17 having “no time” to consider discovery and states that he knows he has been “so
18 hurt injure by ‘cops’[.]” *Id.* (as written in original). Although Plaintiff asserts, “this
19 courts calling me frivolous claim,” *id.*, (as written in original), the Court notes this
20 action was dismissed because Plaintiff had failed to state a plausible claim upon
21 which this Court could grant him relief against identified Defendants. ECF No. 23
22 at 2–5.

23 Plaintiff has presented no new facts, information, or newly discovered
24 evidence for the Court to consider in evaluating his request for reconsideration. *See*
25 *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263. He has not shown that
26 the Court committed clear error or that the Court’s Order, ECF No. 23, was
27 manifestly unjust. Furthermore, there has been no intervening change in
28 controlling law and there are no other circumstances warranting reconsideration.

1 *Id.*

2 Accordingly, **IT IS HEREBY ORDERED:**

3 1. Plaintiff's construed Motion for Reconsideration, **ECF No. 25**, is
4 **DENIED**.

5 2. The Court certifies that any appeal of this decision would not be taken in
6 good faith.

7 3. The file shall remain **CLOSED**.

8 **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this
9 Order and provide a copy to Plaintiff.

10 **DATED** this 10th day of December 2024.



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14 Stanley A. Bastian

15 Stanley A. Bastian
16 Chief United States District Judge
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